

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

OSCAR FERNANDO SAMBRANO,
Petitioner,
v.
B. CATES,
Respondent.

Case No. 1:21-cv-01365-HBK
ORDER TRANSFERRING CASE TO THE
CENTRAL DISTRICT OF CALIFORNIA
(Doc. No. 1)

Petitioner is proceeding on his petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. (Doc. No. 1). Petitioner is a prisoner incarcerated in Kern County, which is located within the jurisdiction and venue of this Court. Petitioner challenges his July 12, 2019 state sentence and conviction entered by the Superior Court of Riverside County, which is located within the jurisdiction and venue of the Eastern Division of the United States District Court for the Central District of California.¹

Under 28 U.S.C. § 2241(d), jurisdiction is proper in the judicial district where the petitioner was convicted or where the petitioner is incarcerated. Therefore, both the Central

¹ The Petitioner also appears to make claims related to conditions of confinement and the Covid-19 pandemic, but these claims are not at the root of the habeas petition or viable via a habeas petition.

1 District of California and the Eastern District of California have concurrent jurisdiction. *See* 28
2 U.S.C. § 2241(d); *Rumsfeld v. Padilla*, 542 U.S. 426, 428 (2004). However, “[f]or the
3 convenience of parties and witnesses, in the interest of justice, a district court may transfer any
4 civil action to any other district or division where it might have been brought.” 28 U.S.C. §
5 1404(a). Federal courts in California generally hear petitions for writ of habeas corpus in the
6 district of conviction. *Favor v. California*, No. 116-CV-01912-DAD-EPG-HC, 2017 WL
7 2671006, at *1 (E.D. Cal. June 21, 2017) (*citing Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D.
8 Cal. 1968)).

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10 Thus, the Court finds in its discretion “and in furtherance of justice” the petition should
11 be transferred to the Central District of California. 28 U.S.C. §§ 1404(a), 2241(d).
12

13 **Accordingly,**

- 14 1. The Clerk shall transfer this action to the United States District Court for the Central
15 District of California, Eastern Division; and
16 2. All future filings shall reference the new case number assigned and shall be filed at:

17
18 United States District Court
19 Central District of California
Eastern Division
3470 Twelfth Street
20 Riverside, CA 92501-3801

21 Dated: September 16, 2021


22 HELENA M. BARCH-KUCHTA
23 UNITED STATES MAGISTRATE JUDGE
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